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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,347	06/25/2004	Minoru Hoshino	09450/0201430-US0	2617

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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary

Application No.

10/500,347

Applicant(s)

HOSHINO ET AL.

Examiner

Melanie J. Hand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 2002-244368, filed on August 23, 2002.

Receipt is acknowledged of papers submitted under 35 U.S.C. 371, which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on June 25, 2004 was filed on the mailing date of the Application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernfors (U.S. Patent No. 6,179,820).

With respect to **Claims 1,2**: Fernfors teaches absorbent pants 1 comprised of three layers: inner fluid permeable layer 7, fluid impermeable barrier layer 8, absorbent core 9 and outer layer 20 laminated to the outside facing surface of barrier layer 8. As can be seen in Fig. 1, pants 1 have flaps that are formed at the peripheral edge parts of barrier layer 8 and extend beyond the laterally opposed side edges of pants 1. Pants 1 have front waist region 2, rear waist region 3 and crotch 4 and leg openings when assembled around the waist of a user. A plurality of elastic elements 25 are disposed in the front and rear waist regions 2,3 along end edges 18,19 and elastic elements are also disposed along the side edges 5,6 of crotch region 4. Elastic elements 10 are also present in the crotch region and define paths 11 and 12 that each extend from a first side edge of front waist region 2 and terminate at a second end edge on the opposite side edge of rear waist region 3. Paths 13 and 14 comprising elastic elements 10 begin similarly at a first side edge of the rear waist region 3 and terminate at an opposing side edge on front waist region 2. As can best be seen in Fig. 1, these paths 11,12,13,14 intersect one another in a central portion of the front and rear waist regions 2,3. Since the elastic elements 10 number at least one, the elastic elements that extend from intersection points 28 to the side edges define third elastic bodies separate from the waist elastics 25 and the leg elastics. (Col. 4, lines 41-45, Col. 5, lines 4-7, 18-56, Col. 6, lines 50-67, Col. 7, lines 1,2,11-15, 21-25, 65-67, Col. 8, lines 1-10)

With respect to **Claims 3,4,8,9**: Fernfors teaches that the main absorbent body part comprising layers 7,8,9 is bonded to outer layer 20. (Col. 5, lines 52-56) As can best be seen in Fig. 3, crotch region 4 is substantially concave toward the inner side of the main absorbent body of pants 1. The portions of paths 11,12,13,14 that extend from the intersection points toward the side edges are angled away from the leg parts of pants 1 and terminate below substantially all

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of the respective side flap parts in each waist region 2,3, as can be seen in Figs. 1 and 3. (Claim 4) (Col. 5, lines 18-20)

With respect to **Claims 5,10**: Fernfors teaches that the elastic elements bordering edges 5,6 are intended during use to exert a contracting force around the user's legs. (Col. 10, lines 56-59)

With respect to **Claims 6,11**: The nature of the paths 11,12,13,14 formed by elastic elements 10,i.e. their location and points of intersection, result in a lower tensile strength at the point of intersection 28 when compared to the side flaps. The intersection points are defined by the intersection of two elastic elements, which will decrease the tensile strength of the main absorbent body at those points as opposed to the flaps because the elements 10 are integrated between the outer cover 20 and barrier layer 8 (Col. 9, lines 33-38), where the total occupied by elastic is lower and thus the tensile strength is greater.

With respect to **Claims 7,12**: Fernfors teaches that elastic elements 10 are also arranged on the inside of core 9 that is centrally located in pants 1. (Col. 10, lines 25-27)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

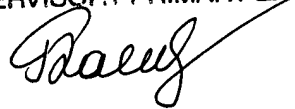
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', written over the printed name and title.